IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETH DAY OF JUNE,
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12073 of 2005

Between:

1 Mannam Bharathi, W/o.Visveswara Rao,
R/o.Madhurapuri Colony, Dilsukhnagar, Hyderabad
2 M.V.Narasimha Rao, S/o.Ramakrishnaiah.
R/o.Road No.36, Jubilee Hills, Hyderabad.
3 Tappeta China Nagaiah, S/o.Peda Nagaiah,
R/o.Gottigundala Village, Kondapuram Mandal, Nellore District.
4 Chennupalli Chinnaiah, S/o.Nagaiah,
R/o.Gottigundala Village, Kondapuram Mandal, Nellore District.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Kondapur Mandal, Nellore District.
2 The District Collector, Nellore

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the respondents not to interfere with the cultivation and possession of the land of an extent of Ac.102.02 gts belonging to the petitioners in Gottigundala Village, Kondapuram Mandal, Nellore District and to pass such other order or orders.

Counsel for the Petitioner:MR.V.RAJAGOPAL REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents not to interfere with the cultivation and possession of the lands of an extent of Ac.102.02 gts. belonging to the petitioners in Gottigundala village, Kondapuram Mandal, Nellore district.

It is the case of the case of the petitioners that all the lands owned by them are patta lands and the then Mandal Revenue Officer submitted Rc.B/62/2004 dated 28-02-2004 to the District Collector stating that as per the records 10(1) Adangal and as per the local enquiry, the above mentioned lands are patta dry lands. While so, the 1st respondent, who is the present Mandal Revenue Officer issued a show cause notice to the petitioners in Rc.B/143/2005 dated 10-04-2005 directing the petitioners to submit their explanation within 15 days from the date of receipt of the notice as to how they are occupying the extent of Ac.102.02 gts in Gottigundala village, Kondapuram Mandal stating that on verification of the records, they came to know that the encroached schedule property by the petitioners are settlement lands and they obtained these lands on benami names under R.O.R. Act (Village Account 10(1) Account and also 1 B. Section by cheating the authorities and enjoying the same. In response to the show cause notice, the petitioners submitted their detailed explanation to the 2nd respondent-Mandal Revenue Officer, enclosing necessary documents and the same is pending for consideration.

The learned Government Pleader for revenue appearing for the respondents submitted that the matter is pending for consideration before the 2nd respondent-Mandal Revenue Officer. When the matter is pending for consideration, without giving a breathing time to the authorities, straight away the petitioners approached this court at an early stage.

I have perused the material available on record as well as the order impugned.

On a perusal of the material available on record and as rightly pointed out by the learned Govern Pleader for revenue, without waiting for the orders of the 2nd respondent-Mandal Revenue officer, the petitioners rushed to this court.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent-Mandal Revenue Officer to consider the explanation submitted by the petitioners in response to the show cause notice

and pass appropriate orders in accordance with law preferably within a period of four weeks from the date of receipt of a copy of the order after giving opportunity to the petitioners. Till such time, the respondents are directed not to dispossess the petitioners from the suit schedule lands.

With the above direction, the writ petition is disposed of. No costs.

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09-06-2005

Mjl/*

To,

1 The Mandal Revenue Officer, Kondapur Mandal, Nellore District.
2 The District Collector, Nellore.

3. 2 CCs to G.P. for revenue, High Court Buildings, Hyderabad.

4. 2 CD copies.